

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES -June 7, 2017**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Jones (arrived at 7:30), Klimko, Noone, Thompson.

Absent: Valle.

Also Present: Matt Hall, Manager  
Laurie Barton, Borough Clerk  
Attorney, Tara S. Angelo

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

**PROCLAMATION**

Mayor Higgins presented a Proclamation to Ann Kilduff, who was interim Borough Clerk for Washington Borough:

**PROCLAMATION HONORING THE SERVICE OF INTERIM BOROUGH CLERK**  
**ANN M. KILDUFF**

**WHEREAS**, Ann M. Kilduff recently completed her service as Interim Borough Clerk of the Borough of Washington; and

**WHEREAS**, Ann M. Kilduff has resided in the Borough of Washington for nearly 25 years and served the Borough in various capacities for 11 years, including Recreation Secretary, Deputy Clerk, Deputy Registrar, and Interim Borough Clerk; and

**WHEREAS**, it is fitting and proper that Council of the Borough of Washington community recognize and commemorate this honor; and

**WHEREAS**, Ann M. Kilduff has served with the utmost dedication, perseverance, and leadership not only as a staff member for the Borough of Washington but also as

Interim Borough Clerk; and

**WHEREAS**, Ann M. Kilduff is recognized and appreciated by her colleagues for her willingness to help others, commitment to local government, and dedication to Washington Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Washington desire to express the appreciation of the entire community to Ann M. Kilduff for her willingness to step in at a time of need as Interim Borough Clerk and for her years of outstanding service and commitment to the Borough of Washington.

**NOW, THEREFORE, BE IT PROCLAIMED** by David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its residents are hereby expressed for the many years of public service and leadership performed by Ann M. Kilduff.

**BE IT FURTHER PROCLAIMED** that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Ann M. Kilduff on June 7, 2017, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Ann M. Kilduff by an appreciative and thankful community.

### **MINUTES**

Motion made by Heinrich and seconded by Klimko to approve the following minutes with corrections:

**Regular Meeting March 7, 2017**

**Regular Meeting May 2, 2017, Special Meeting May 9, 2017 and May 16, 2017**

**Executive Session Minutes March 7, 2017, May 2, 2017 and May 9, 2017 (Proof for content only)**

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 5, Nays: 0

Absent: 1 (Valle)

Abstain: 2 (Thompson-May 9<sup>th</sup> minutes only & Noone May 9<sup>th</sup> and May 16<sup>th</sup> minutes only)

Motion Carried

### **COUNCIL APPEARANCE:**

Bill DeHass, North Jackson Rd

B. Dehass appeared before Council to express his concerns with the railroad property and the business that is blocking access to his property, causing it to become landlocked. (*Mayor Higgins*

*excused himself from the Chair and cited a conflict, Deputy Heinrich presided over this public portion of the meeting.)*

Discussions ensued regarding who owns the property along the property line. Adverse possession was discussed, with Attorney St. Angelo explaining the meaning.

Ownership by the Borough was discussed.

Mr. DeHass explained how the garbage dumpster and a tow truck are blocking the roadway.

Manager, M. Hall discussed the gray areas the Borough has with the railroad company and easements of the property.

Discussions of approaching the business owner ensued, with having the Borough speak with the owner and come to a resolve.

Ethel Conry, Youmans Ave.

E. Conry asked about the railroad apartments and asked the Manager if he spoke with the owner of the apartments. Her concerns are when they cut the grass it is being blown onto Youmans Avenue. M. Hall stated that they have been fined many times over this issue.

Ms. Conry inquired about the sign that needs to be installed indicating wrong way, and stated that lot of people are still coming down the wrong way.

John Monteverde, BID Executive Director

J. Monteverde reported on the Green Fest and Farmers Market kick off last weekend. Mr. Monteverde thanked all those who worked hard to make it happen. There were two butterfly releases. Flyers listing festivals in the Borough are being handed out to inform the residents and the surrounding communities of this year's events.

Reverend Bauknight, Library President

R. Bauknight discussed the revised map for road closure for their June 17<sup>th</sup> event, closing roads in the vicinity of the library.

Motion made by Heinrich and seconded by Klimko to approve the revised Map #2, indicting road closures.

Ayes: 6, Nays: 0  
Absent:1(Valle)  
Motion Carried

Reverend Baughknight discussed the length of time it took a letter to be mailed to Mt. Pisgah, indicating it was two months.

Reverend Baughknight inquired about signs she noticed throughout town that have "Hate Has No Home Here" and stated that it is an awesome statement and the community needs to embrace it.

Attorney St. Angelo stated that they are signs from an organization that approached Clinton Township as well and sees those signs in Clinton.

Lee Hill indicated that they are from an LGBT organization.

Mayor Higgins stated for the record that hate has no place in Washington Borough.

Motion made by Heinrich seconded by Thompson, to close the audience portion of the meeting.

Ayes: 6, Nays: 0  
Absent:1(Valle)  
Motion Carried

### **REPORTS:**

Motion was made by Heinrich, seconded by Noone to receive and file the following reports:

1. Recreation

Ayes: 6, Nays: 0  
Absent:1(Valle)  
Motion Carried

### **COMMITTEE REPORTS**

Senior Advisory: Heinrich reported on the recent bus trip held on May 20<sup>th</sup> to the River Lady Cruise. Heinrich thanked Councilwomen Klimko and Valle on their help in getting donations and for coordinating gifts to give the seniors. There was a total of 26 people on the bus and more bus trips are being planned. Heinrich clarified the reason for initially asking for money in the beginning, which was to have a working capital and by years end there will be enough money to continue on with the events for the seniors. Heinrich reiterated that this is not a money maker thing, this is to benefit the seniors.

Heinrich also indicated that seniors from surrounding areas are welcome to join in their trips, they do not discriminate against out of town residents.

A bus trip is being organized for December to go to Longwood Gardens, which will be at night, in order to see the fountains lit up which will be back in service.

Recreation: Klimko reported that the emergency meeting that was scheduled last Thursday did not happen do to not having a quorum.

Washington Celebrates America: Mayor Higgins asked the committee to come forward for their request.

Rich McGuire, asked for permission to hold the fireworks, parade and race and stated things are coming along good and sees no issues.

Motion made by Heinrich and seconded by Thompson to approve Resolution 2017-133.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 5, Nays: 0

Absent: 1 (Valle)

Abstain: 1 (Higgins)

Motion Carried

**RESOLUTION 2017-133**  
**RESOLUTION GRANTING PERMISSION FOR A FIREWORKS DISPLAY IN THE**  
**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Washington Celebrates America Inc. to have a fireworks display in the Borough of Washington at 9:00 p.m., Tuesday, July 4, 2017 with a Rain Date of Sunday, July 9, 2017.

**BE IT RESOLVED**, that the Borough Council has agreed to name Washington Celebrates America Inc. as additional insured for the following events to be held in the Borough of Washington.

**Orange Crate Derby Qualification Races**

Date:

Saturday, July 1, 2017

Location:

Broad Street and Borough Park Entrance

**Orange Crate Derby**

Date:

Tuesday, July 4, 2017

Rain Date:

Saturday, July 8, 2017

Location:

Broad Street and Borough Park Entrance

**Parade**

Location:

Tuesday, July 4, 2017

Rain Date:

Sunday, July 9, 2017

Location:

Route 31 and Broad Street to Belvidere  
Avenue to Carlton Avenue to North Prospect Street

**Fireworks**

Date:

Tuesday July 4, 2017

Rain Date:

Sunday, July 9, 2017

Location:

Warren Hills Middle School Athletic Field

**BE IT RESOLVED**, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required certificate of liability insurance.

**ORDINANCE 1<sup>st</sup> Reading**

Heinrich made a motion and seconded by Klimko to introduce Ordinance 2017-12 with the public hearing corrected to July 5, 2017.

Ayes: 6, Nays: 0

Absent: 1 (Valle)  
Motion Carried

**BOROUGH OF WASHINGTON  
ORDINANCE 2017-12**

**AN ORDINANCE ESTABLISHING A GREEN TEAM PURSUANT TO SUSTAINABLE NEW JERSEY**

**WHEREAS**, the Mayor and Common Council of the Borough of Washington strive to save tax dollars, assure clean air and water, improve working and living environments, and build a community that is sustainable economically, environmentally, and socially; and

**WHEREAS**, the Mayor and Common Council of the Borough of Washington wish to build a model of government which benefits its residents with green community initiatives which are environmentally and economically sound, easy to replicate, and affordable to implement;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:**

**SECTION 1. Establishment.**

A group of citizens dedicated to the sustainability of the community and known as the Green Team, appointed by the Mayor and Common Council of the Borough of Washington is hereby established.

**SECTION 2. Purpose**

- a. To facilitate the successful completion of the requirements for certification of Sustainable Jersey;
- b. To educate and encourage all Borough employees, residents, and businesses to participate in green initiatives;
- c. To collaborate with public and private committees and organizations to ensure the replication of best practices and to ensure a coordinated effort within the Borough of Washington and with neighboring communities.

**SECTION 3. Membership**

- a. The Green Team will consist of no less than 5 or more than 9 members and will include the Mayor, the Borough Manager, the Executive Director of the Business Improvement District, and at least 1 Borough Council member, at least 1 member of the Shade Tree Commission, and at least 1 Planning Board member.
- b. The Green Team shall be persons who reside or are employed in the Borough of Washington and are to be appointed to terms of 3 years commencing June 1, 2017.

**SECTION 4.** If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

**SECTION 5.** All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect upon passage and publication as required by law.

**ORDINANCE 2<sup>nd</sup> READING**

Motion made by Heinrich and seconded by Thompson to open the public portion for Ordinance 2017-10.

Ayes: 6, Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**Discussion**

A resident (no name given) inquired about costs of poles and if this affects everyone with the cost.

Motion made by Thompson, seconded by Klimko, to close the public portion of Ordinance 2017-10.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

Motion made by Heinrich and seconded by Jones to adopt Ordinance 2017-10.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**BOROUGH OF WASHINGTON  
ORDINANCE NO. 2017-10**

**AN ORDINANCE PROVIDING FUNDING FOR SOUTH PROSPECT  
SEWAGE PUMP STATION FOR THE BOROUGH OF WASHINGTON  
SEWER UTILITY AND APPROPRIATING \$229,000 FOR SUCH  
PURPOSE.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Washington, in the County of Warren, New Jersey, authorizes South Prospect Sewage Pump Station sewer capital improvement to be undertaken, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$229,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Sewer Utility Capital Improvement Fund in the amount of \$229,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Motion made by Heinrich and seconded by Thompson to open the public portion for Ordinance 2017-11.

Ayes: 6, Nays: 0  
Absent: 1 (Valle)  
Motion Carried

Discussion

Klimko inquired about repairs that needed to be done and asked if they have been repaired. Jones stated he understood that benches are to be installed.

Motion made by Heinrich, seconded by Klimko, to close the public portion of Ordinance 2017-11.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

Motion made by Heinrich and seconded by Klimko to adopt with corrections (clerical) Ordinance 2017-11.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**ORDINANCE 2017-11**

**ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WASHINGTON BUSINESS IMPROVEMENT DISTRICT FOR THE ACQUISITION OF**



**A POCKET PARK AND FOR THE OPERATIONS, OCCUPANCY AND REVENUES  
WITH RESPECT TO THE POCKET PARK, AND AMENDING A PORTION OF  
CHAPTER 3, ARTICLE VIIIA AND CHAPTER 64, ARTICLE I OF THE CODE OF  
THE BOROUGH OF WASHINGTON**

**WHEREAS**, the Washington Business Improvement District Management Corporation (the “BID”) is an independent district management corporation formed pursuant to Title 15A of the New Jersey statutes to provide administrative and other services within the District to benefit the businesses, employees, residents and consumers within Borough and to assist Borough in promoting economic growth and employment; and

**WHEREAS**, the BID is the owner of that certain parcel of land and improvements thereon located at 44 East Washington Avenue, in the Borough of Washington, Warren County, State of New Jersey, known and designated as Lot 2, 3.01, 23 & 24 in Block 24 on the Washington Borough Tax Map (hereinafter the “Property”); and

**WHEREAS**, the Property is located within the Washington Borough Business Improvement District (the “District”); and

**WHEREAS**, the BID acquired the Property and was designated as the redeveloper to construct a pocket park/plaza upon the Property (the “Park”), pursuant to a Redevelopment Plan adopted on April 7, 2009, under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, and

**WHEREAS**, the construction of the Park is a strategic part of the marketing action plan of the BID to revitalize the Downtown; and

**WHEREAS** the BID and the Borough Council have successfully worked in a public/private partnership with the BID as the redevelopment agent for the Borough for multiple projects including the adjoining parking lot; and

**WHEREAS** the parties wished to apply for a grant or grants from the Warren County Municipal and Charitable Conservancy Trust Fund (the “Grant”) to provide funding for the acquisition of public open space and construction of the Park; and

**WHEREAS**, municipal ownership of the Property is one of the prerequisites of the Grant; and

**WHEREAS**, the Grant could be authorized to be issued to the BID to acquire the Property on the condition that the Borough agreed to take title to the Property at a future date; and

**WHEREAS**, to facilitate the Grant and the acquisition of the Property and construction of the Park by the BID, the Borough applied for the Grant for the purpose of the BID’s acquisition of the Property and the Borough agreed to act as the pass through entity and provide the Grant funds to the BID to purchase the Property; and

**WHEREAS**, the BID obtained the Grant, acquired the Property and has constructed the Park upon the Property; and

**WHEREAS**, the Borough intends to accept, title to the Property, subject to the final approval of the Borough Manager, Attorney and Engineer, of the terms and conditions set forth in the Pocket Park Acquisition, Use, Operations, Maintenance and Revenues Agreement, (hereinafter “Agreement”), concerning the use and operation of the Park and the revenues obtained relating thereto. (**Exhibit A**).

**NOW, THEREFORE, BE IT ORDAINED** that the Borough of Washington hereby authorizes the execution of the Agreement with the Washington Business Improvement District Management Corporation once approved by the Borough Manager, the Attorney and Borough Engineer for the Operations, Occupancy and Revenues with respect to the conveyance of the Property located at 44 East Washington Avenue, and further authorizes the acquisition of 44 East Washington Avenue, in the Borough of Washington, Warren County, State of New Jersey, known and designated as Lot 2, 3.01, 23 & 24 in Block 24 on the Washington Borough Tax Map, pursuant to NJSA 40A: 12-5; and

**BE IT FURTHER ORDAINED** that the first sentence of subsection (A) (1) of Chapter 3, Article VIIIA, Section 3-55.4, “Powers and Duties of Recreation Commissioners”, be deleted in its entirety and replaces by the following: “To supervise and regulate all parks, playgrounds and recreational areas belonging to the Borough, except the Borough Pocket Park located on Block 2, 3.01, 23 & 24 Lot 24 of the Borough; and

**BE IT FURTHER ORDAINED** that Section 64-1 of Chapter 64, Article I, “Supervision by Board of Recreation Commissioners”, be deleted in its entirety and replaced by the following: “The Board of Recreation Commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased in the name of the Borough of Washington except the Borough Pocket Park located on Block 2,3.01, 23 & 24, Lot 24 of the Borough, and may adopt suitable rules, regulations and bylaws for the use thereof, and the conduct of all persons while on or using the same subject to the review and approval of the Mayor and Council.

**BE IT FURTHER ORDAINED** that the Mayor, Clerk of the Borough, Borough Treasurer, and any other proper official of the Borough be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance; and

**BE IT ORDAINED** that this Ordinance shall take effect immediately upon publication following final passage.

## **RESOLUTIONS**

Resolutions 117, 126,127 and 128 were moved on a motion made by Noone and seconded by Klimko and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**RESOLUTION #2017-117**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$500.25 for taxes or other municipal liens assessed for the year 2015 in the name of Paran, Karen M. as supposed owner, and in said assessment and sale were described as 104 N. Prospect Street, Block 8 Lot 9, which sale was evidenced by Certificate #16-00013; and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-9-17 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Services claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,196.56 which is the amount necessary to redeem Tax Sale Certificate #16-00013.

**NOW THEREFORE BE IT RESOLVED,** on this 16th day of May, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,796.56** (This amount consists of \$1,196.56 Certificate Amount redeemed + \$600.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 8 Lot 9 from the tax office records.

**RESOLUTION # 2017-126**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$669.06 for taxes or other municipal liens assessed for the year 2015 in the name of Cooley, Kelvin & Pringle-Cooley, C.M. as supposed owners, and in said assessment and sale were described as 8 Grand Avenue, Block 10.01 Lot 4, which sale was evidenced by Certificate #16-00016; and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-18-17 and before the right to redeem was cut off, as provided by law, Citimortgage claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,371.60 which is the amount necessary to redeem Tax Sale Certificate #16-00016.

**NOW THEREFORE BE IT RESOLVED**, on this 7<sup>th</sup> day of June, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,571.60** (This amount consists of \$1,371.60 Certificate Amount redeemed + \$1,200.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 10.01 Lot 4 from the tax office records.

**RESOLUTION 2017-127**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Montalvo, Chad R. as supposed owner, and in said assessment and sale were described as 21 Sunrise Terrace, Block 43 Lot 12, which sale was evidenced by Certificate #16-00040; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-18-17 and before the right to redeem was cut off, as provided by law, Wells Fargo claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,031.97 which is the amount necessary to redeem Tax Sale Certificate #16-00040.

**NOW THEREFORE BE IT RESOLVED**, on this 7<sup>th</sup> day of June, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,931.97** (This amount consists of \$1,031.97 Certificate Amount redeemed + \$900.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 43 Lot 12 from the tax office records.

**RESOLUTION 2017-128**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$337.90 for taxes or other municipal liens assessed for the year 2015 in the name of Marotta, Mark & Cynthia as supposed owners, and in said assessment and sale were described as 65 Park Avenue, Block 82 Lot 38, which sale was evidenced by Certificate #16-00060; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-18-17 and before the right to redeem was cut off, as provided by law, Wells Fargo claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,033.82 which is the amount necessary to redeem Tax Sale Certificate #16-00060.

**NOW THEREFORE BE IT RESOLVED**, on this 7<sup>th</sup> day of June, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,733.82** (This amount consists of \$1,033.82 Certificate Amount redeemed + \$700.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 82 Lot 38 from the tax office records.

Resolution 2017-129 was moved on a motion made by Noone and seconded by Klimko and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**RESOLUTION #2017-129**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$655.80 for taxes or other municipal liens assessed for the year 2015 in the name of Walters, Mark & Rachel supposed owners, and in said assessment and sale were described as 30 Sunrise Terrace , Block 44 Lot 55, which sale was evidenced by Certificate #16-00043; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-22-17 and before the right to redeem was cut off, as provided by law, Comerica Bank claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,509.75 which is the amount necessary to redeem Tax Sale Certificate #16-00043.

**NOW THEREFORE BE IT RESOLVED**, on this 7th day of June, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$2,909.75** (This amount consists of \$1,509.75 Certificate Amount + \$1,400.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 55 from the tax office records.

Motion made by Heinrich and seconded by Klimko to omit resolution 2017-130 (duplicate resolution).

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

Resolution 2017-132 was moved on a motion made by Heinrich and seconded by Jones and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**RESOLUTION #2017-132**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$336.28 for taxes or other municipal liens assessed for the year 2015 in the name of Marotta, Mark & Cynthia as supposed owners, and in said assessment and sale were described as 45 Cornish Street, Block 98 Lot 3, which sale was evidenced by Certificate #16-00074; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-26-17 and before the right to redeem was cut off, as provided by law, 5 Arch Code Compliance, LLC claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,183.84 which is the amount necessary to redeem Tax Sale Certificate #16-00074.

**NOW THEREFORE BE IT RESOLVED**, on this 7<sup>th</sup> day of June, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,583.84** (This amount consists of \$1,183.84 Certificate Amount redeemed + \$400.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 3 from the tax office records.

Resolution 2017-131 was moved on a motion made by Noone and seconded by Thompson and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 6; Nays: 0

Absent: 1 (Valle)

Motion Carried

**RESOLUTION 2017-131**  
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND**  
**APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$2,000.00 which is now available from the Sustainable Jersey Corp

**BE IT FURTHER RESOLVED**, that the like sum of \$2,000.00 is hereby appropriated under the caption of Other Expenses – Sustainable Jersey.

Resolution 2017-135 was moved on a motion made by Noone and seconded by Klimko and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 6; Nays: 0

Absent: 1 (Valle)

Motion Carried

**RESOLUTION 2017-135**  
**APPOINTMENT**  
**OF DEPUTY REGISTRAR AND ALTERNATE**  
**FOR THE BOROUGH OF WASHINGTON**

**WHEREAS**, the position of Deputy Registrar exists within the code of the Borough of Washington and on the Salary Ordinance; and

**WHEREAS**, the term of office shall be a three-year term. The term shall commence on the actual date of appointment.

**WHEREAS**, the appointment of a Deputy Registrar is mandated by the State Registrar's office requiring that all Registrar's appoint a Deputy Registrar; and

**WHEREAS**, the position of Alternate Registrar is also an appointment made by the Registrar of Vital Statistics,

**NOW THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington hereby appoints Ann Kilduff as Deputy Registrar at an annual salary of \$1,522.00 per year and appoints Barbara Van Why as Alternate Registrar to the Registrar's office.

Resolution 2017-136 was moved on a motion made by Klimko and seconded by Thompson and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 6; Nays: 0

Absent: 1 (Valle)

Motion Carried

**RESOLUTION 2017-136**  
**RESOLUTION AWARDING A CONTRACT**  
**FOR ROUTE 57 MID-BLOCK CROSSING REPLACEMENT**

WHEREAS, the Borough Council of the Borough of Washington has determined the need to replace the Mid-Block Crossing located on State Route 57, within the Borough of Washington, County of Warren, State of New Jersey; and

WHEREAS, the Governing Body of Washington Borough have openly and publicly bid such contract for the improvement work thereto, pursuant to New Jersey law; and

WHEREAS, the Borough of Washington has received the lowest responsible bid from Diamond Construction based on the recommendation of the Borough Engineer.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Washington, County of Warren, State of New Jersey, that said contract for the Route 57 Mid-Block Crossing Replacement in the Borough of Washington is hereby awarded to Diamond Construction, having bid of \$103,142.20 for said work, upon written certification of funds by the Borough CFO.



BE IT FURTHER RESOLVED, that Borough Manager is hereby authorized to execute all necessary documents to effectuate the contract.

Resolution 2017-137 was moved on a motion made by Thompson and seconded by Klimko and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**RESOLUTION 2017-137**  
**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Washington Discount Liquors L.L.C.  
66 Route 31  
Washington NJ 07882

From July 1, 2017 – June 30, 2018, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution 2017-138 was moved on a motion made by Jones and seconded by Klimko and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**RESOLUTION 2017-138**  
**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor Grocery Inc  
260 Washington Ave.  
Washington NJ 07882

From July 1, 2017 – June 30, 2018, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution 2017-139 was moved on a motion made by Noone and seconded by Klimko and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

**RESOLUTION 2017-139**  
**RESOLUTION AUTHORIZING A LETTER OF SUPPORT FOR A GRANT**  
**APPLICATION TO THE USDA BY**  
**WARREN COUNTY HABITAT FOR HUMANITY**

**WHEREAS**, Habitat for Humanity wishes to establish a Community Center in currently unimproved space in its facility located at 31 Belvidere Avenue; and

**WHEREAS**, the proposed Community Center would serve as a gathering place for youth, senior, veteran, social service, and religious organizations; and

**WHEREAS**, the Borough of Washington wishes to promote community development and cooperation among diverse stakeholders; and

**WHEREAS**, the Council of the Borough of Washington has determined that Habitat for Humanity is deserving of the funding sought from the United State Department of Agriculture – Rural Development;

**THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, authorize a letter expressing the support of the Council for the Community Center project and application for a grant for same.

Resolution 2017-140 was moved on a motion made by Heinrich and seconded by Noone and adopted.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.  
Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried

## **RESOLUTION 2017-140**

### **RESOLUTION DETERMINING THE FORM OF GENERAL REFUNDING BONDS OF 2017 OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND DETERMINING CERTAIN DETAILS IN CONNECTION THEREWITH.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH  
OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than  
two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Maximum Amount and Title of the Bonds. The Borough of Washington, in the County of Warren, New Jersey (the “Borough”) is hereby authorized to issue refunding bonds pursuant to a refunding bond ordinance, entitled: “Refunding bond ordinance authorizing the issuance of \$3,600,000 Refunding Bonds of the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on May 16, 2017, in a principal amount not in excess of \$3,600,000 and entitled “General Refunding Bonds of 2017” (the “Bonds”). The Chief Financial Officer of the Borough (the “Chief Financial Officer”), pursuant to N.J.S.A. 40A:2-53 and other applicable law, is hereby delegated the power to determine the final principal amounts of the Bonds; provided, however, that the maximum principal amount of the Bonds shall not exceed \$3,600,000.

Maturities and Interest Rates. The Bonds shall mature annually on such dates and in such principal amounts and shall bear interest at such rates, all as shall be determined by the Chief Financial Officer; provided, however, that (i) the year of final maturity of the Bonds shall be no later than 2022 and (ii) the effective rate of interest on the Bonds will allow the Borough to realize a net (i.e., after payment of the costs of issuance of the Bonds) present value debt service savings of at least 3% of the aggregate principal amount of the Refunded Bonds (as defined in Section 16 of this resolution).

Denominations, Dates, Interest Payment Dates and Manner of Payment. The Bonds are issuable in fully registered form without coupons and payable to a named person or registered assigns, and each in the denomination of \$5,000 or any whole multiple of \$1,000 in excess thereof. On original issuance the Bonds shall be dated as of, and shall bear interest from, such date as shall be determined by the Chief Financial Officer. Interest on the Bonds shall be payable semi-annually in each year until maturity or earlier redemption, on such dates as shall be determined by the Chief Financial Officer, by check or bank draft mailed (unless other arrangements have been made with any securities depository) to the registered owners thereof whose names appear on the registration books of the Borough held by the Chief Financial Officer in the capacity as paying agent (the “Paying Agent”) as of the record dates, such record dates to be determined by the Chief Financial Officer. Principal or redemption price, if any, of the Bonds shall be payable upon presentation and surrender (unless other arrangements have been made with any securities depository) of the Bonds at the office of the Chief Financial Officer. Principal or redemption price, if any, of and interest on the Bonds shall be payable in lawful money of the United States of America.

Book-Entry-Only Bonds. Unless otherwise specified by the Purchaser (as defined in Section 7 of this resolution), the Bonds shall be issued by means of a book entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity will be issued to The Depository Trust Company, New York, New York (“DTC”), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book entry system will be employed, evidencing ownership of the Bonds in principal amounts of \$5,000 or any \$1,000 increment in excess thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The Purchaser (as defined in Section 7 of this resolution), as

a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal or redemption price, if any, of and interest on the Bonds will be payable by the Borough or its agent to DTC or its nominee as registered owner of the Bonds.

Form of the Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and by this reference incorporated as if set forth in full herein, with such changes, insertions and omissions as may be approved by the Chief Financial Officer, including (a) a change, if necessary, to the title of the Bonds to reflect the issuance thereof in a different year (b) changes, if requested by the purchaser, necessary to deliver the Bonds in the form of one certificate in the aggregate principal amount of all of the Bonds. The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor of the Borough (the “Mayor”) and the Chief Financial Officer, under the seal of the Borough affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of the Borough Clerk (the “Clerk”). The execution of the Bonds by the Chief Financial Officer shall be conclusive evidence of any approval required by this Section.

Redemption. (A) Optional and Mandatory Redemption. The Bonds shall be subject to redemption at the option of the Borough and mandatory sinking fund redemption at such times, on such dates and in such amounts as may be determined by the Chief Financial Officer; provided, however, that there shall be no premium associated with any such redemption.

(B) Notice of Redemption. Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall

not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond (unless other arrangements have been made with any securities depository), there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

Sale of the Bonds. Subject to the terms of and the limitations set forth in this resolution, the Chief Financial Officer is hereby authorized to award and sell the Bonds to Raymond James & Associates, Inc. (the "Purchaser"); provided, however, that the underwriter's discount does not exceed \$5.00 per \$1,000 of Bonds sold.

Purchase Contract. The Chief Financial Officer is hereby authorized and directed to execute and deliver a contract for the sale of the Bonds with the Purchaser, in a form approved by bond counsel to the Borough.

Delivery of the Bonds. The Bonds, in registered form, shall be numbered and lettered for identification purposes, in such manner as shall be determined by the Chief Financial Officer, and shall, as soon as practicable, be prepared, executed and delivered in definitive form to or upon the order of the Purchaser at the expense of the Borough upon payment in full of the purchase price for the Bonds.

Additional Matters Contained in the Bonds. The Borough Clerk is hereby authorized and, if necessary or advisable in the opinion of Hawkins Delafield & Wood LLP, directed to cause the applicable CUSIP numbers (if any) assigned for each of the Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on the Bonds.

Delivery of Related Documents. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the Purchaser and the payment of the purchase price thereof in accordance with the contract of sale, the Chief Financial Officer is hereby authorized and directed, as of the date of issue, to deliver to the Purchaser (a) an arbitrage and use of proceeds certificate with respect to the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP under and for the purposes of Section 148 of the Internal Revenue Code of 1986, as amended to said date of issue (the "Code"), (b) if necessary, an undertaking to provide continuing disclosure in order to assist the Purchaser in complying with Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") in a form satisfactory to Hawkins Delafield & Wood LLP and (c) such other documents as may be useful, necessary, convenient or desirable in connection with the issuance of the Bonds.

Delegation of Power to Award the Bonds. Pursuant to N.J.S.A. 40A:2-53 and other applicable law, the Borough Council of the Borough does by this resolution delegate to the Chief Financial Officer the power to sell and award the Bonds to the Purchaser in accordance with the terms of and the limitations set forth in this resolution. The Chief Financial Officer shall report in writing to this governing body at its next meeting thereafter as to the details of the Bonds, including the principal amounts, interest rates, maturities, interest payment dates, record dates, redemption features and purchase price.



Preliminary Official Statement. The Chief Financial Officer is hereby authorized to deliver a Preliminary Official Statement with respect to the Bonds to the Purchaser for use in connection with the sale, resale and distribution of the Bonds. The Chief Financial Officer is hereby authorized and directed to deem said Preliminary Official Statement final as of its date for purposes and within the meaning of Rule 15c2-12.

Final Official Statement. The execution, delivery and dissemination of a final Official Statement in substantially the same form as said Preliminary Official Statement with such changes, insertions and omissions as may be approved by the Chief Financial Officer with respect to the issuance of the Bonds by and on behalf of the Borough is hereby authorized, and the Chief Financial Officer and the Mayor are hereby authorized to execute the same in the name and on behalf of the Borough and to deliver said final Official Statement in executed form for its use in connection with the sale, resale and distribution of the Bonds. The execution of said final Official Statement by the Chief Financial Officer or the Mayor shall be conclusive evidence of any approval required by this Section.

Appointment of Escrow Agent. If the Chief Financial Officer determines, after consultation with and upon advice of bond counsel to the Borough and the Borough's financial advisor, that an escrow arrangement is necessary or desirable, the Borough does hereby appoint Manufacturers and Traders Trust Company, or such other bank or trust company as may be determined by the Chief Financial Officer, as escrow agent (the "Escrow Agent") with respect to a portion of the proceeds of the Bonds that will be held for payment of the Refunded Bonds.

Election to Redeem. The Borough hereby irrevocably elects to redeem, on March 1, 2018, \$3,300,000 aggregate principal amount of General Bonds of 2008 of the Borough, dated March 12, 2008, and maturing on and after March 1, 2019 (the "Refunded Bonds"). The Refunded

Bonds shall be redeemed at a redemption price equal to 100% of the principal amount thereof, plus interest accrued to the date fixed for redemption. The election set forth in this Section shall be effective upon the issuance of the Bonds. The Chief Financial Officer is hereby authorized to refund less than all the Refunded Bonds or additional bonds of said issue as may be desirable to accomplish the savings referred to in Section 2 of this resolution.

Notice of Redemption. The Escrow Agent or Chief Financial Officer is hereby authorized and directed to give notice of redemption of the Refunded Bonds in substantially the form attached to the Escrow Deposit Agreement (as defined in Section 20 of this resolution) or as otherwise provided by bond counsel to the Borough with such changes, insertions and omissions as are acceptable to the Borough and the Escrow Agent. Unless some other method of delivery and time is acceptable to the recipient, such notice of redemption shall be given not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to (a) the registered owners of the Refunded Bonds (i.e., The Depository Trust Company) and (b) the Municipal Securities Rulemaking Board. Any failure to mail, to publish or to receive such notice, or any defect therein, shall not affect the validity of the proceedings for redemption.

Notice of Refunding. If necessary, upon the advice of bond counsel to the Borough, the Escrow Agent or the Chief Financial Officer is hereby authorized and directed to give notice of refunding of the Refunded Bonds in substantially the form attached to the Escrow Deposit Agreement or as otherwise provided by bond counsel to the Borough with such changes, insertions and omissions as are acceptable to the Borough and the Escrow Agent. Such notice shall be given

as soon as practicable after the date of delivery of the Bonds to the registered owners of the Refunded Bonds and to the Municipal Securities Rulemaking Board.

Application of Proceeds of the Bonds. The proceeds of sale of the Bonds shall be applied by the Borough to the payment of the principal or redemption price, if any, of and interest on the Refunded Bonds through and including the date of redemption thereof and to the costs of issuance of the Bonds. The proceeds of the Bonds to be applied to the principal or redemption price, if any, of and interest on the Refunded Bonds, together with any other moneys of the Borough to be used therefor, shall be held either (a) by the Borough or (b) in accordance with the provisions of the Escrow Deposit Agreement, in trust by the Escrow Agent on behalf of the Borough pending application thereof to the payment of the principal or redemption price, if any, of and interest on the Refunded Bonds. Simultaneously with the issuance of the Bonds, the Chief Financial Officer is hereby authorized and directed, after consultation with and upon the advice of bond counsel to the Borough and the Borough Auditor, to deposit in the escrow account established by the Escrow Deposit Agreement all or a portion of the moneys budgeted or anticipated to be budgeted by the Borough in the fiscal year in which the Bonds are issued to pay principal and interest due on the Refunded Bonds.

Escrow Deposit Agreement. The Chief Financial Officer is hereby authorized and directed, if necessary, to execute and deliver an escrow deposit agreement (the “Escrow Deposit Agreement”) with the Escrow Agent in a form approved by bond counsel to the Borough.

Purchase of Escrow Securities. The Mayor and Chief Financial Officer each is hereby authorized and directed, if necessary, to execute an initial and final Subscription for Purchase and Issue of United States Treasury Securities - State and Local Government Series - Time Deposit Securities (“SLGS”), and any related certification, each in form and substance

satisfactory to bond counsel to the Borough. The Purchaser, the Escrow Agent, the financial advisor to the Borough or bond counsel to the Borough each is hereby authorized to execute said initial SLGS subscription letter on behalf of the Borough. The Purchaser, the Escrow Agent, the financial advisor to the Borough or bond counsel to the Borough each is hereby authorized to execute said final SLGS subscription on behalf of the Borough. In addition, the Chief Financial Officer is hereby authorized and directed, if necessary, to execute and deliver any agreement, document or instrument relating to the purchase of securities, including securities other than SLGS, for deposit in the escrow account established by the Escrow Deposit Agreement.

Appointment of Verification Agent. The Borough does hereby appoint Ferraioli, Wielkotz, Cerullo & Cuva, P.A., as verification agent with respect to the Bonds. The verification agent shall, among other things, deliver a report verifying (a) the yield on the Bonds for arbitrage purposes and (b) the sufficiency of the escrow deposit to accomplish the refunding of the Refunded Bonds.

Appointment of Financial Advisor. The Borough does hereby appoint Phoenix Advisors, LLC, Bordentown, New Jersey, to serve as financial advisor to the Borough in connection with the sale and issuance of the Bonds.

Bank-Qualified Designation. The Bonds are hereby designated as “qualified tax-exempt obligations” pursuant to and for the purposes of Section 265(b)(3) of the Code, or to the extent the Bonds currently refund other obligations of the Borough, the Bonds are “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(D)(iii) of the Code. Not more than \$10,000,000 of obligations, including the Bonds, of the Borough and all subordinate entities thereof issued from January 1, 2017 to and including the date hereof have been designated by the Borough for purposes of Section 265(b)(3) of the Code. As of the date hereof, the reasonably anticipated amount of tax-

exempt obligations (other than private activity bonds, as referred to and defined in Section 141 of the Code and current refundings of other obligations of the Borough), which will be issued by the Borough and all subordinate entities thereof during the calendar year commencing January 1, 2017 does not exceed \$10,000,000.

Actions to be Taken on Behalf of the Borough. The Mayor, Administrator, Chief Financial Officer and Borough Clerk are hereby authorized and directed to execute the Bonds on behalf of the Borough and to do all matters necessary, useful, convenient or desirable to accomplish the sale, issuance and delivery of the Bonds and the refunding and redemption of the Refunded Bonds all in accordance with the provisions of this resolution, including without limitation (a) the submission of materials to one or more rating agencies for purposes of receiving a credit rating on the Bonds, (b) the selection of a financial printer and website for purposes of disseminating the Preliminary Official Statement and the final Official Statement, (c) the appointment of a redemption agent for purposes of administering any mandatory sinking fund redemptions and (d) the filing of continuing disclosure materials on the Electronic Municipal Market Access website maintained by the Municipal Securities Rulemaking Board.

Prior Action. All action taken to date by Borough officials, employees and professionals with respect to the authorization, sale and issuance of the Bonds, including the preparation and posting of a Preliminary Official Statement with respect thereto, be and the same hereby are ratified, approved, confirmed and adopted in all respects.

Effective Date. This resolution shall take effect immediately and, if necessary, when there is endorsed upon a certified copy hereof the consent referred to in N.J.S.A. 40A:2-55.

## **OLD BUSINESS**

Manager M. Hall presented the Mayor and Council a draft form of the traffic ordinance to discuss amending portions of the code.

Lengthy discussion of overnight parking ensued.

Manager M. Hall explained that the insertions noted on the draft copy are suggestions received from various members of council.

## **VOUCHERS AND CLAIMS**

Motion made by Noone seconded by Klimko to pay the vouchers and claims in the amount of \$605,584.23 from the current fund and \$97,186.79 from sewer.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 6; Nays: 0

Abstention: Thompson abstains from any Fire and EMS bills.

Absent: 1 (Valle)

Motion Carried

## **COUNCIL REMARKS**

Klimko commented on the Grant received from the DOT for North Prospect Street.

Klimko asked what decision was made with the animal control officer and time clocks.

M. Hall responded that the time clocks will start being used in August, which includes borough hall, DPW and the pool.

Klimko stated a public announcement regarding the anniversary of the borough will be made soon and indicated that this will be a big affair in which a lot of help is needed.

Thompson stated to get the flags out for Flag Day on June 14<sup>th</sup> and wished all the fathers a happy Father's Day.

Heinrich also wished everyone happy fathers days.

Noone stated that she was pleased with the Green Fest and the Farmers Market which had a great turn out.

Mayor Higgins stated that this Saturday the Karen Ann Quinlin hospice is having a program at the national memorial at the school and everyone from council is welcome to go; it is from 11am-12pm. Mayor Higgins stated that names will be read of those who passed away from cancer that were residents of the Borough.

Mayor Higgins stated a celebration at Gibson's Gym for being in business in the Borough for 40 years will be held in their back-parking lot, in which the Mayor would like to present a proclamation to be read.

Motion made by Klimko and seconded by Jones for the Mayor to present a proclamation to Gibson's Gym.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Thompson, Noone.

Ayes: 6; Nays: 0

Absent: 1 (Valle)

Motion Carried

Noone thanked the Warren hills Regional Highschool for their volunteer work at the Green Fest.

Mayor Higgins stated he attended the purple ribbon event held by the school for the Relay for Life cancer walk, in which this is open to anyone and suggested to them to come in January for permission to get the word out to more people.

Council entered into Executive Session after a short recess.

### **EXECUTIVE SESSION**

A motion was made by Noone, seconded by Heinrich, to approve the following Resolution authorizing executive session for the purpose of discussing a pending contract negotiations and a personnel matter at 9:00 pm.

Ayes: 6; Nays: 0

Absent: 1 (Valle)

Motion Carried.

### **RESOLUTION** **AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_X\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: Garbage Collection \_\_\_\_\_);

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

\_\_\_\_\_Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is:    The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_)

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_X\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;



**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Heinrich, seconded by Jones, to come out of Executive Session at 10:02 pm.

Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried.

A motion was made by Noone and seconded by Jones to approve Resolution 2017-134.

Ayes: 6; Nays: 0  
Absent: 1 (Valle)  
Motion Carried.

**RESOLUTION 2017-134**  
**BOROUGH OF WASHINGTON**  
**NOTICE TO BIDDERS**  
**GARBAGE COLLECTION CONTRACT**

**WHEREAS**, the Mayor and Council of the Borough of Washington have determined that the collection of solid waste, garbage, refuse, and curbside recycling from all designated sites and locations within the Borough of Washington be performed by an outside vendor under a contract to the lowest, qualified bidder, pursuant to **N.J.S.A. 40A:11-3**; and

**WHEREAS**, the Mayor and Council of the Borough of Washington seeks to openly and publicly bid such contract for the term of January 1, 2018 to December 31, 2020, pursuant to New Jersey law.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, that the Clerk is hereby authorized to publicly bid said contract for the collection of solid waste, garbage, refuse, and curbside recycling from all designated sites and locations within the Borough of Washington in both the *Star-Gazette* and the *Star-Ledger*. Said notice follows.

**NOTICE IS HEREBY GIVEN** that sealed bids will be received by the Borough Clerk, Washington Borough Municipal Building, 100 Belvidere Avenue, Washington, NJ 07882 for collection of garbage and recyclables within the limits of the Borough of Washington. Bids will be opened and read by the Borough Clerk at the Washington Borough Municipal Building, 100 Belvidere Avenue, Washington, NJ 07882 on August 17, 2017 at 10:00 a.m.

Responsibility for delivery by hand or mail rests with the bidder(s). Instructions to bidders, specifications and other bidder documents may be examined or obtained in the office of the Borough Clerk, 100 Belvidere Avenue, Washington, NJ 07882, during regular business hours Monday through Thursday, 8:30 a.m. – 12:00 Noon/1:00 p.m. – 4:30 p.m. All bids must be submitted in writing, enclosed in a sealed envelope bearing name, address and telephone number of the bidder and accompanied by guarantee in the form of a certified check, cashier's check or bid bond drawn to the order of the Borough of Washington in an amount equal to ten percent (10%) of the total bid not in excess of Twenty Thousand Dollars (\$20,000.00) to be delivered at the place and time aforementioned.

Hearing no further business motion made by Thompson, seconded by Jones to adjourn the meeting at 10:03 p.m., all were in favor.

Ayes: 6, Nays: 0  
Absent: 1 (Valle)  
Motion Carried

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Mayor Dave Higgins

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Laurie A. Barton, RMC, Borough Clerk